

1 HB531
2 219672-1
3 By Representative Wingo
4 RFD: Judiciary
5 First Read: 31-MAR-22

8 SYNOPSIS: Under existing law an adult woman who
9 qualifies as having a specified medical condition
10 is eligible to lawfully obtain medical cannabis.

11 This bill would require a dispensary site to
12 require a negative pregnancy test for women of
13 childbearing age before allowing them to purchase
14 medical cannabis and would prohibit breast-feeding
15 women from purchasing medical cannabis unless as a
16 registered caregiver.

17 This bill will would require that any
18 dispensary be located one thousand feet from a
19 day-care center, or 2-year or 4-year institution of
20 higher education.

21 This bill would also require a registered
22 certifying physician to obtain a negative pregnancy
23 test from a patient who is a woman of childbearing
24 age before recommending use of medical cannabis to
25 that patient.

27 A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to the medical use of cannabis; to amend
5 Section 20-2A-64, Code of Alabama 1975, as added by Section 1
6 of Act 2021-450 of the 2021 Regular Session; to establish
7 certain requirements for medical cannabis use by women of
8 childbearing age.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 20-2A-64, Code of Alabama 1975,
11 as added by Section 1 of Act 2021-450 of the 2021 Regular
12 Session, is amended to read as follows:

13 "§20-2A-64.

14 "(a) (1) A dispensary license authorizes all of the
15 following:

16 "a. The purchase or transfer of medical cannabis
17 from a processor.

18 "b. If a cultivator contracted with a processor to
19 process its cannabis into medical cannabis on the cultivator's
20 behalf, the purchase or transfer of medical cannabis from the
21 cultivator.

22 "c. The purchase or transfer of medical cannabis
23 from an integrated facility.

24 "d. The dispensing and sale of medical cannabis only
25 to a registered qualified patient or registered caregiver.

1 "(2) A dispensary license authorizes the dispensary
2 to transfer medical cannabis only by means of a secure
3 transporter, including transport between its dispensing sites.

4 "(b) The commission shall issue no more than four
5 dispensary licenses.

6 "(c) A dispensary license authorizes the dispensary
7 to transfer medical cannabis to or from a state testing
8 laboratory for testing by means of a secure transporter.

9 "(d) A licensed dispensary shall comply with all of
10 the following:

11 "(1) Each dispensing site must be located at least
12 one thousand feet from any school, day care, or ~~child-care~~
13 child-care facility, including a home, freestanding child-care
14 center, or 2-year or 4-year institution of higher education.

15 "(2) Each dispensing site must be equipped with
16 surveillance cameras that are focused on each point of entry
17 and that operate on a continuous basis. The dispensary must
18 maintain surveillance records for a minimum of 60 days
19 following the date of recording.

20 "(3) Sell and dispense medical cannabis at a
21 dispensing site to a registered qualified patient or
22 registered caregiver only after it has been tested and bears
23 the label required for retail sale.

24 "(4) Enter all transactions, current inventory, and
25 other information into the statewide seed-to-sale tracking
26 system as required in Section 20-2A-54.

1 "(5) Only allow dispensing of medical cannabis by
2 certified dispensers, as provided in subsection (e).

3 "(6) Not allow the use of medical cannabis products
4 on the premises.

5 "(7) Only allow registered qualified patients and
6 registered caregivers on the premises.

7 "(8) Require every woman of childbearing age from 25
8 to 50 years of age, to obtain a negative pregnancy test either
9 from her physician or documentation from a certified medical
10 lab that has been ordered by a physician licensed in Alabama.
11 The documentation must be dated within 48 hours of purchase
12 before she may purchase any medical cannabis except in the
13 capacity as a registered caregiver.

14 (9) No breast-feeding woman may purchase any
15 cannabis product except in the capacity as a registered
16 caregiver.

17 "(e) Any registered qualified patient who becomes
18 pregnant shall report her pregnancy status to her registered
19 certifying physician and shall be prohibited from obtaining
20 medical cannabis throughout the pregnancy.

21 "~~(e)~~ (f) (1) As used in this subsection, certified
22 dispenser means an employee of a dispensary who dispenses
23 medical cannabis to a registered qualified patient or
24 registered caregiver and who has been trained and certified by
25 the commission.

26 "(2) The commission shall establish and administer a
27 training program for dispensers that addresses proper

1 dispensing procedures, including the requirements of this
2 subsection, and other topics relating to public health and
3 safety and preventing abuse and diversion of medical cannabis.
4 The commission shall certify trained dispensers and may
5 require, as a qualification to remain certified, periodic
6 training.

7 "(3) A certified dispensary shall comply with all of
8 the following:

9 "a. Before dispensing medical cannabis, inquire of
10 the patient registry to confirm that the patient or caregiver
11 holds a valid, current, unexpired, and unrevoked medical
12 cannabis card and that the dispensing of medical cannabis
13 conforms to the type and amount recommended in the physician
14 certification and will not exceed the 60-day daily dosage
15 purchasing limit.

16 "b. Enter into the patient registry the date, time,
17 amount, and type of medical cannabis dispensed.

18 "c. Comply with any additional requirements
19 established by the commission by rule.

20 "(4) The commission shall adopt rules to implement
21 this subsection.

22 "~~(f)~~ (g) A licensee may operate up to three
23 dispensing sites, each of which must be located in a different
24 county from any other dispensing site; provided, however, the
25 commission may authorize a licensee to operate a greater
26 number of dispensing sites if, at least one year after the
27 date when the maximum number of total dispensing sites

1 authorized under this section and Section 20-2A-67 are
2 operating, the commission determines that the patient pool has
3 reached a sufficient level to justify an additional dispensing
4 site in an underserved or unserved area of the state.
5 Notwithstanding the foregoing, a licensee may not operate any
6 dispensing site in the unincorporated area of a county or in a
7 municipality that has not adopted a resolution or ordinance
8 authorizing the operation of dispensing sites under subsection
9 (c) of Section 20-2A-51."

10 Section 2. (a) Notwithstanding Section 20-2A-33,
11 Code of Alabama 1975, a registered certifying physician may
12 not recommend medical cannabis to a registered qualified
13 patient who is female between the ages of 13 through 50
14 without first obtaining a negative pregnancy test from the
15 patient.

16 (b) The Board of Medical Examiners may adopt rules
17 to implement this section.

18 Section 3. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.